

Application Number: 10/525,284
Amendment Dated: September 30, 2009
Office Action Dated: June 30, 2009

REMARKS

This amendment is responsive to the Office Action mailed June 30, 2009 for which a three (3) month period of response was given. No extension of time is believed due. Should any extension of time be due, the Commissioner is hereby authorized to charge any necessary fees to Deposit Account No. 50-0959, Docket Number 089498.0441.

Claims 1, 4 through 8 and 21 are pending in the present application upon entry of the above amended claims. Claim 1 has been amended to more clearly state the nature of the present invention. Support for the amendment to claim 1 exists in the specification as filed. Claim 9 has been cancelled, with claims 2, 3, and 10 through 20 being previously cancelled. Applicant still reserves the right to file one or more divisional applications directed to the various non-elected Groups of claims. Accordingly, entry and consideration of the amendments to the claims, and the remarks which follow, is believed due and is respectfully requested.

↳ The 35 U.S.C. § 103(a) Rejection:

Claims 1, 4 through 9 and 21 have been rejected under 35 U.S.C. § 103(a) over Loo (United States Patent No. 5,373,077) in view of Buese et al. (United States Patent No. 5,347,028).

Turning to Loo, Loo discloses organosilicon crosslinked polymers and crosslinkable pre-polymers that are the reaction product of: (a) a cyclic polysiloxane in which each silicon atom is substituted with: (i) a saturated, substituted or unsubstituted alkyl or alkoxy group or a substituted or unsubstituted aryl or aryloxy group, and (ii) a substituted or unsubstituted hydrocarbon group having at least one carbon-carbon double bond that is reactive in hydrosilation; (b) at least one organosilicon compound having at least two Si-H groups; and optionally (c) a hydrocarbon polyene having at least two non-aromatic carbon-carbon double bonds that are reactive in hydrosilation. As is correctly pointed out by the Examiner, Loo does not disclose cyclosiloxanes where the number of repeating units contained therein is 5 or more.

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However, the Examiner contends that since Buese et al. discloses cyclosiloxanes having 3 to 8 Si—O repeating units it would have been obvious to combine Loo with Buese et al. to arrive at the presently claimed invention. Applicants respectfully disagree,

As can be seen from the disclosure contained therein, in order to yield the crosslinked polymers disclosed therein, Loo requires, at a minimum, the reaction of component (a), which is a cyclic polysiloxane having no Si—H bonds therein (confirmed by the passage at column 2, lines 50 through 62), with component (b), which can be an organosilicon compound having at least two Si—H groups.

Thus, in light of the disclosure contained therein, Loo cannot achieve the poly(cyclosiloxane) network comprising the hydrosilation reaction product of claim 1. This is because Loo not only fails to disclose, teach or suggest the crosslinking groups of claim 1, but also fails to disclose, teach or suggest a poly(cyclosiloxane) network formed using crosslinks formed between two Si—H groups. As such, Loo cannot render obvious claims 1, 4 through 8 and 21.

Regarding Buese et al., Buese et al. fails to cure the deficiencies of Loo. This is because, as can be seen from the disclosure contained at columns 5 and 6 of Buese et al, Buese et al. fails to disclose, teach or suggest any polycyclosiloxane that contains two or more Si—H groups in the cyclic portion of the polycyclosiloxanes disclosed therein. Thus, Buese et al. fails to disclose, teach or suggest a crosslinked network that is formed by forming crosslinks between two Si—H groups. As such, Buese et al. cannot render obvious claims 1, 4 through 8 and 21.

Given the deficiencies of both Loo and Buese et al., the combination thereof cannot render obvious claims 1, 4 through 8 and 21. As such, the 35 U.S.C. § 103(a) rejection of claims 1, 4 through 8 and 21 is believed to be unfounded, and withdrawal thereof is believed due and is respectfully requested.

II. Conclusion:

Accordingly, reconsideration and withdrawal of the pending 35 U.S.C. § 103(a) rejection of claims 1, 4 through 8 and 21 is believed due and is respectfully requested.

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For at least the foregoing reasons, the present application is believed to be in condition for allowance, and a Notice of Allowance is respectfully requested.

Should the Examiner wish to discuss any of the foregoing in more detail, the undersigned attorney would welcome a telephone call.

Respectfully submitted,

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